**IN THE HIGH COURT OF JUDICATURE AT**

**BILASPUR (C.G.)**

**W.P. NO.** 2472 **/2006**

SINGLE BENCH

**PETITIONER** : Mahesh Kumar Pandariya
Aged about 38 years
S/o. Shri Bhagwan Das
Sub-Engineer, Water
Resources Department,
Basna,Dist.Mahasamund
(C.G.)

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**VERSUS**

**RESPONDENTS** :1. State of Chhattisgarh
Through: Secretary
Panchayat Avam Gramin
Vikas, Deartment, D.K.S.
Bhawan Mantralaya,
Raipur (C.G.)

2. The Secretary,
Water Resources Department
D.K.S. Bhawan Raipur (C.G.)

3. Joint Secretary
Panchayat Avam Gramin
Vikas, Department, D.K.S.
Bhawan Mantralaya,
Raipur (C.G.)

P.R. No. 2532/06
Presented by Shri Aman Jaiswal
dated 8/5/06

**WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA**

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

# आदेश पत्रक

मामला क्रमांक WP No.2422/06 सन् 200

विरुद्ध

| आदेश का दिनांक आदेश क्रमांक सहित | आदेश हस्ताक्षर सहित | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
|---|---|---|

**10.5.2006**

Shri R. Pradhan, Advocate for the petitioner.

Shri Sushil Dubey, Govt. Adv. for the respondents/ State.

The main grievance of the petitioner in this petition is that vide order dated 24.11.2005 he was transferred from Basna, District Mahasamund to Saraipali, District Mahasamund, but till date he has not been relieved in compliance of that order and now he has been transferred vide impugned order dated 7.4.2006 (Annexure P-1) from Saraipali to Mahasamund, whereas he never joined at Saraipali in pursuance of order dated 24.11.2005.

The transfer cannot be challenged unless the same is made with mala fide or against any statutory rules. It appears that the Joint Secretary to the Government considering the fact that the petitioner might have joined at Saraipali in pursuance of the order dated 24.11.2005 transferred the petitioner from Saraipali to Mahasamund. This cannot be made a ground for challenge of the transfer because as per record the petitioner is posted at Saraipali but he was not relieved from Basna, therefore, he could not join at Saraipali. Respondent No.3-Joint Secretary, if it is necessary, can rectify the order, as the petitioner has not been relieved so far from Basna where he was working prior to issuance of the order dated 24.11.2005.

With the aforesaid, the petition stands disposed of.

Consequently, M.(W.)P. No.1862/06 also stands disposed of.

Sd/-
L.C. Bhadoo
Judge

Jashan/-

[पीछे देखिये